

REMARKS

Claims 1-15 are listed as pending in the application, which claims are subject to restriction under 35 U.S.C. §121.

DISCUSSION

In the Office Action mailed February 1, 2006, the Examiner required restriction under 35 U.S.C. §121 as follows:

Group I: claims 1-14, drawn to a method of making a composition comprising an antimuscarinic agent, classified in class 514, subclass 317; and

Group II: claim 15, drawn to a method of treating unstable or overactive bladder comprising administering an antimuscarinic agent, classified in class 514, subclass of 317.

Pursuant to the telephonic interview of February 23, 2006 between Applicant's undersigned representative and the Examiner, Applicants herewith adopt the Examiner's suggestion of converting the originally-filed, non-statutory use claims 1-14 into method claims. Accordingly, Applicants respectfully direct the Examiner's attention to the concurrently submitted Preliminary Amendment in which claims 1-14 have been amended to read as method of treatment claims. Antecedent basis for such amendment is found on page 4, line 36, bridging to page 5, line 22, of the instant Description.


In view of the foregoing, Applicants make provisional election of the method of Group I (e.g., claims 1-14, as concurrently amended). In response to the request for a species election, Applicants elect the compound tolterodine. Applicant's provisional election of species is made as an accommodation to the Examiner for searching purposes and not as the basis for performing an incomplete search limited to

such species or further restriction to such species in the event generic claim 1 is otherwise allowable. Applicants further note the instant cancellation of non-elected claim 15.

A prompt and favorable action on the merits is respectfully solicited.

Respectfully submitted,

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Carl J. Goddard
Attorney for Applicants
Reg. No. 39,203
Tel.: (860) 441-4902

PFIZER INC
Patent Department, MS 8260-1611
Eastern Point Road
Groton, CT 06340
(860) 441-4902